“An open mind, in questions that are not ultimate, is useful. But an open mind about the ultimate foundations either of Theoretical or of Practical Reason is idiocy.” Because I agree with the words of C.S. Lewis, I affirm and value morality as ought implies a moral obligation.

All question of morality must accept the absolute claim of traditional facets of morality. Attempts to derive morality from alternative system other than the simply true axioms like murder is wrong will invariably fail. C.S. Lewis[[1]](#footnote-1) explains,

**However subjective they** **may be about** some traditional **values**, Gaius and Titius have shown by the very act of writing *The Green Book* that **there must be** some other **values** **about which they are not subjective** at all. They write in order to produce certain states of mind in the rising generation, if not because they think those states of mind intrinsically just or good, yet certainly because they think them to be the means to some state of society which they regard as desirable. It would not be difficult to collect from various passages in *The Green Book* what their ideal is. But we need not. The important point is not the precise nature of their end, but the fact that they have an end at all. They must have, or their book (being purely practical in intention) is written to no purpose. And this end must have real value in their eyes. To abstain from calling it good and to use, instead, such predicates as 'necessary' or 'progressive' or 'efficient' would be a subterfuge. They could be forced by argument to answer the questions 'necessary for what?', 'progressing towards what?', 'effecting what?'; in the last resort they would have to admit that some state of affairs was in their opinion good for its own sake. And this time they could not maintain that 'good' simply described their own emotion about it. For the whole purpose of their book is so to condition theyoung reader that he will share their approval, and this would be either a fool's or a villain's undertaking unless they held that their approval was in some way valid or correct. In actual fact Gaius and Titius will be found to hold, with complete uncritical dogmatism, the whole system of values which happened to be in vogue among moderately educated young men of the professional classes during the period between the two wars.1 Their scepticism about values is on the surface: it is for use on other people's values; about the values current in their own set they are not nearly sceptical enough. And this phenomenon is very usual. A great many of those who 'debunk' traditional or (as they would say) 'sentimental' values have in the background values of their own which they believe to be immune from the debunking process. **They claim to be cutting away** **the** parasitic growth of **emotion**, religious sanction, **and** inherited **taboos,** **in** **order** **that 'real'** or 'basic' **values** may **emerge**. I will now try to find out what happens if this is seriously attempted. **Let** u**s** continue to **use** **the** previous **example**—that **of death for a good cause**—not, of course, because virtue is the only value or martyrdom the only virtue, but because this is the *experimentum crucis* which shows different systems of thought in the clearest light. Let us suppose that an Innovator in values regards *dulce et decorum* and *greater love hath no man* as mere irrational sentiments which are to be stripped off in order that we may get down to the 'realistic' or 'basic' ground of this value. Where will he find such a ground? First of all, **he might say** that the real value lay in the utility of such sacrifice to the community. **'Good'**, he might say, *'****means*** **what is useful** to the community.' **But** of course the **death** **of the community is not useful** to the community—**only the death of some** of its **members**. What is really meant is that the death of some men is useful to other men. That is very true. **But on what ground are some** menbeing **asked to die** for the benefit of others**? Every appeal to pride, honour**, shame, **or love** isexcluded by hypothesis. To use these **would** be to **return to sentiment** and the Innovator's task is, having cut all that away, to explain to men, in terms of pure reasoning, why they will be well advised to die that others may live. He may say 'Unless some of us *risk* death all of us are *certain* to die.' But that will be true only in a limited number of cases; and even when it is true it provokes the very reasonable counter question 'Why should I be one of those who take the risk?' At this point the Innovator may ask why, after all, selfishness should be more 'rational' or 'intelligent' than altruism. The question is welcome. **If by Reason we mean** the process actually employed by Gaius and Titius when engaged in debunking (that is, **the connecting by inference of propositions,** ultimately **derived from sense data,** with further propositions), **then** the answer must be that a refusal to sacrifice oneself is no more rational than a consent to do so. And no less rational. **Neither** choice **is rational**—or irrational—at all. **From** propositions about **fact** alone **no *practical* conclusion** **can** ever **be drawn. *This will preserve society* cannot lead to *do this* except by the mediation of *society ought to be preserved.*** *This will cost you your life* cannot lead directly to *do not do this:* it can lead to it only through a felt desire or an acknowledged duty of self-preservation. **The Innovator is trying to get** **a** conclusion in the **imperative** mood **out of** premisses in **the indicative** mood: **and** though he continues trying to all eternity he **cannot** succeed, for the thing is impossible. We must therefore either extend the word Reason to include what our ancestors called Practical Reason and confess that **judgements such as *society ought to be preserved*** (though they can support themselves by no reason of the sort that Gaius and Titius demand) **are not** mere **sentiments but** are **rationality itself**; or else we must give up at once, and for ever, the attempt to find a core of 'rational' value behind all the sentiments we have debunked. **The Innovator** will not take the first alternative, for practical principles known to all men by Reason are simply the *Tao* which he has set out to supersede. He **is** more **likely** **to** give up the quest for a 'rational' core and to **hunt** **for** some other **ground** even **more 'basic'** and 'realistic'. This he will probably feel that he has found in Instinct. The preservation of society, and of the species itself, are ends that do not hang on the precarious thread of Reason: they are [Is] **given by Instinct.** That is why there is no need to argue against the man who does not acknowledge them. We have an instinctive urge to preserve our own species. That is why men ought to work for posterity. We have no instinctive urge to keep promises or to respect individual life: that is why scruples of justice and humanity—in fact the *Tao*—can be properly swept away when they conflict with our real end, the preservation of the species. That, again, is why the modern situation permits and demands a new sexual morality: the old taboos served some real purpose in helping to preserve the species, but contraceptives have modified this and we can now abandon many of the taboos. For of course sexual desire, being instinctive, is to be gratified whenever it does not conflict with the preservation of the species. It looks, in fact, as if an ethics based on instinct will give the Innovator all he wants and nothing that he does not want. In reality we have not advanced one step. I will not insist on the point that Instinct is a name for we know not what (to say that migratory birds find their way by instinct is only to say that we do not know how migratory birds find their way), for I think it is here being used in a fairly definite sense, to mean an unreflective or spontaneous impulse widely felt by the members of a given species. In what way does Instinct, thus conceived, help us to find 'real' values? Is it maintained that we *must* obey Instinct, that we cannot do otherwise? But if so, why are *Green Books* and the like written? Why this stream of exhortation to drive us where we cannot help going? Why such praise for those who have submitted to the inevitable? Or is it maintained that if we do obey Instinct we shall be happy and satisfied? But the very question we are considering was that of facing death which (so far as the Innovator knows) cuts off every possible satisfaction: and if we have an instinctive desire for the good of posterity then this desire, by the very nature of the case, can never be satisfied, since its aim is achieved, if at all, when we are dead. It looks very much as if the Innovator would have to say not that we must obey Instinct, nor that it will satisfy us to do so, but that we *ought* to obey it.2 **But why ought** **we** to **obey Instinct**? **Is there another instinct of a higher order** directing us to do so, and a third of a still higher order **directing us to obey** *it*?—**an infinite regress of instincts**? This is presumably impossible, but **nothing** else **will serve**. **From the statement** about psychological fact **'I have an impulse** to do so and so' **we cannot** by any ingenuity **derive** the practical principle **'I ought to obey this impulse'**. Even if it were true that men had a spontaneous, unreflective impulse to sacrifice their own lives for the preservation of their fellows, it remains a quite separate question whether this is an impulse they should control or one they should indulge. For even the Innovator admits that many impulses (those which conflict with the preservation of the species) have to be controlled. And this admission surely introduces us to a yet more fundamental difficulty. Telling us to obey Instinct is like telling us to obey 'people'. People say different things: so do instincts. Our instincts are at war. If it is held that the instinct for preserving the species should always be obeyed at the expense of other instincts, whence do we derive this rule of precedence? To listen to that instinct speaking in its own cause and deciding it in its own favour would be rather simple-minded. Each instinct, if you listen to it, will claim to be gratified at the expense of all the rest. By the very act of listening to one rather than to others we have already prejudged the case. If we did not bring to the examination of our instincts a knowledge of their comparative dignity we could never learn it from them. And that knowledge cannot itself be instinctive: the judge cannot be one of the parties judged; or, if he is, the decision is worthless and there is no ground for placing the preservation of the species above self-preservation or sexual appetite. The idea that, without appealing to any court higher than the instincts themselves, we can yet find grounds for preferring one instinct above its fellows dies very hard. **We grasp at useless words:** we call it the **'basic'**, or 'fundamental', or 'primal', **or 'deepest'** instinct. It is of no avail. **Either these words conceal a value judgement** passed *upon* the instinct and therefore not derivable *from* it, **or else** they **mere**ly record its felt **intensity**, the frequency of its operation and its wide distribution. If the former, the whole attempt to base value upon instinct has been abandoned: if the latter, these observations about the quantitative aspects of a psychological event lead to no practical conclusion. It is the old dilemma. Either **the premisses** already **conceal**ed **an imperative or** the conclusion **remain**smerely **in the indicative**.3 Finally, it is worth inquiry whether there *is* any instinct to care for posterity or preserve the species. I do not discover it in myself: and yet I am a man rather prone to think of remote futurity—a man who can read Mr Olaf Stapledon with delight. Much less do I find it easy to believe that the majority of people who have sat opposite me in buses or stood with me in queues feel an unreflective impulse to do anything at all about the species, or posterity. Only people educated in a particular way have ever had the idea 'posterity' before their minds at all. It is difficult to assign to instinct our attitude towards an object which exists only for reflective men. What we have by nature is an impulse to preserve our own children and grandchildren; an impulse which grows progressively feebler as the imagination looks forward and finally dies out in the 'deserts of vast futurity'. No parents who were guided by this instinct would dream for a moment of setting up the claims of their hypothetical descendants against those of the baby actually crowing and kicking in the room. Those of us who accept the *Tao* may, perhaps, say that they ought to do so: but that is not open to those who treat instinct as the source of value. As we pass from mother love to rational planning for the future we are passing away from the realm of instinct into that of choice and reflection: and if instinct is the source of value, planning for the future ought to be less respectable and less obligatory than the baby language and cuddling of the fondest mother or the most fatuous nursery anecdotes of a doting father. If we are to base ourselves upon instinct, these things are the substance, and care for posterity the shadow—the huge, flickering shadow of the nursery happiness cast upon the screen of the unknown future. I do not say this projection is a bad thing: but then I do not believe that instinct is the ground of value judgements. What is absurd is to claim that your care for posterity finds its justification in instinct and then flout at every turn the only instinct on which it could be supposed to rest, tearing the child almost from the breast to creche and kindergarten in the interests of progress and the coming race. The truth finally becomes apparent that neither in any operation with factual propositions nor in any appeal to instinct can the Innovator find the basis for a system of values. None of the principles he requires are to be found there: but they are all to be found somewhere else. 'All within the four seas are his brothers' (xii. 5) says Confucius of the *Chün-tzu,* the *cuor gentil* or gentleman. *Humani nihil a me alienum puto* says the Stoic. 'Do as you would be done by,' says Jesus. 'Humanity is to be preserved,' says Locke.4 **All the practical principles** behind the Innovator's case for posterity, or society, or the species, **are** **there from time immemorial in the *Tao.*** **But** they are **nowhere else**. **Unless you accept these** without question **as** being **to** the world of **action** **what axioms are to** the world of **theory**, **you can have no** practical **principles** whatever. **You cannot reach them as conclusions: they are premisses.** You may, since they can give no 'reason' for themselves of a kind to silence Gaius and Titius, regard them as sentiments: but then you must give up contrasting 'real' or 'rational' value with sentimental value. All value will be sentimental; and you must confess (on pain of abandoning every value) that all sentiment is not 'merely' subjective. You may, on the other hand, regard them as rational—nay as rationality itself—as things so obviously reasonable that they neither demand nor admit proof. But then **you must allow that Reason can be practical, that an *ought* must not be dismissed because** **it cannot** **produce** **some *is* as its credential**. If nothing is self-evident, nothing can be proved. Similarly **if nothing is obligatory for its own sake, nothing is obligatory at all.** To some it will appear that I have merely restored under another name what they always meant by basic or fundamental instinct. But much more than a choice of words is involved. The Innovator attacks traditional values (the *Tao)* in defence of what he at first supposes to be (in some special sense) 'rational' or 'biological' values. But as we have seen, all the values which he uses in attacking the *Tao,* and even claims to be substituting for it, are themselves derived from the *Tao.* If he had really started from scratch, from right outside the human tradition of value, no jugglery could have advanced him an inch towards the conception that a man should die for the community or work for posterity. If the *Tao* falls, all his own conceptions of value fall with it. Not one of them can claim any authority other than that of the *Tao.* Only by such shreds of the *Tao* as he has inherited is he enabled even to attack it. The question therefore arises what title he has to select bits of it for acceptance and to reject others. For if the bits he rejects have no authority, neither have those he retains: if what he retains is valid, what he rejects is equally valid too. The Innovator, for example, rates high the claims of posterity. He cannot get any valid claim for posterity out of instinct or (in the modern sense) reason. He is really deriving our duty to posterity from the *Tao;* our duty to do good to all men is an axiom of Practical Reason, and our duty to do good to our descendants is a clear deduction from it. But then, in every form of the *Tao* which has come down to us, side by side with the duty to children and descendants lies the duty to parents and ancestors. By what right do we reject one and accept the other? Again, the Innovator may place economic value first. To get people fed and clothed is the great end, and in pursuit of its scruples about justice and good faith may be set aside. The *Tao* of course agrees with him about the importance of getting the people fed and clothed. Unless the Innovator were himself using the *Tao* he could never have learned of such a duty. But side by side with it in the *Tao* lie those duties of justice and good faith which he is ready to debunk. What is his warrant? He may be a Jingoist, a Racialist, an extreme nationalist, who maintains that the advancement of his own people is the object to which all else ought to yield. But no kind of factual observation and no appeal to instinct will give him a ground for this option. Once more, he is in fact deriving it from the *Tao:* a duty to our own kin, because they are our own kin, is a part of traditional morality. But side by side with it in the *Tao,* and limiting it, lie the inflexible demands of justice, and the rule that, in the long run, all men are our brothers. Whence comes the Innovator's authority to pick and choose? Since I can see no answer to these questions, I draw the following conclusions. **This thing** which I have **called** for convenience **the *Tao****,* and which others may call Natural Law or **Traditional Morality** **or** the First Principles of **Practical Reason** or the First Platitudes, is not one among a series of possible systems of value. It **is the sole source of all value** judgements. If it is rejected, all value is rejected. If any value is retained, it is retained. The effort to refute it and raise a new system of value in its place is self-contradictory. There has never been, and never will be, a radically new judgement of value in the history of the world. **What purport to be new systems** or (as they now call them) 'ideologies', **all consist of fragments from the *Tao* itself**, arbitrarily **wrenched from their context** in the whole **and** then **swollen** to madness **in** their **isolation,** yet still owing to the *Tao* and to it alone such validity as they possess. If my duty to my parents is a superstition, then so is my duty to posterity. If justice is a superstition, then so is my duty to my country or my race. If the pursuit of scientific knowledge is a real value, then so is conjugal fidelity. The rebellion of new ideologies against the *Tao* is a rebellion of the branches against the tree: if the rebels could succeed they would find that they had destroyed themselves. **The human mind has no more power of inventing a new value than of imagining a new primary colour,** or, indeed, of creating a new sun and a new sky for it to move in.Does this mean, then, that no progress in our perceptions of value can ever take place? That we are bound down for ever to an unchanging code given once for all? And is it, in any event, possible to talk of obeying what I call the *Tao?* If we lump together, as I have done, the traditional moralities of East and West, the Christian, the Pagan, and the Jew, shall we not find many contradictions and some absurdities? I admit all this. Some criticism, some removal of contradictions, even some real development, is required. But there are two very different kinds of criticism. A theorist about language may approach his native tongue, as it were from outside, regarding its genius as a thing that has no claim on him and advocating wholesale alterations of its idiom and spelling in the interests of commercial convenience or scientific accuracy. That is one thing. A great poet, who has 'loved, and been well nurtured in, his mother tongue', may also make great alterations in it, but his changes of the language are made in the spirit of the language itself: he works from within. The language which suffers, has also inspired the changes. That is a different thing—as different as the works of Shakespeare are from Basic English. It is the difference between alteration from within and alteration from without: between the organic and the surgical. In the same way, the *Tao* admits development from within. There is a difference between a real moral advance and a mere innovation. From the Confucian 'Do not do to others what you would not like them to do to you' to the Christian 'Do as you would be done by' is a real advance. The morality of Nietzsche is a mere innovation. The first is an advance because no one who did not admit the validity of the old maxim could see reason for accepting the new one, and anyone who accepted the old would at once recognize the new as an extension of the same principle. If he rejected it, he would have to reject it as a superfluity, something that went too far, not as something simply heterogeneous from his own ideas of value. But the Nietzschean ethic can be accepted only if we are ready to scrap traditional morals as a mere error and then to put ourselves in a position where we can find no ground for any value judgements at all. It is the difference between a man who says to us: 'You like your vegetables moderately fresh; why not grow your own and have them perfectly fresh?' and a man who says, 'Throw away that loaf and try eating bricks and centipedes instead.' Those who understand the spirit of the *Tao* and who have been led by that spirit can modify it in directions which that spirit itself demands. Only they can know what those directions are. The outsider knows nothing about the matter. His attempts at alteration, as we have seen, contradict themselves. So far from being able to harmonize discrepancies in its letter by penetration to its spirit, he merely snatches at some one precept, on which the accidents of time and place happen to have riveted his attention, and then rides it to death—for no reason that he can give. From within the *Tao* itself comes the only authority to modify the *Tao.* This is what Confucius meant when he said 'With those who follow a different Way it is useless to take counsel'.5 This is why Aristotle said that only those who have been well brought up can usefully study ethics: to the corrupted man, the man who stands outside the *Tao,* the very starting point of this science is invisible.6 He may be hostile, but he cannot be critical: he does not know what is being discussed. This is why it was also said 'This people that knoweth not the Law is accursed'7 and 'He that believeth not shall be damned'.8 An open mind, in questions that are not ultimate, is useful. But an open mind about the ultimate foundations either of Theoretical or of Practical Reason is idiocy. If a man's mind is open on these things, let his mouth at least be shut. He can say nothing to the purpose. **Outside the *Tao* there is no ground for criticizing** either the *Tao* or **anything** else**.** In particular instances it may, no doubt, be a matter of some delicacy to decide where the legitimate internal criticism ends and the fatal external kind begins. But **wherever any precept of** traditional **morality is simply challenged to produce its credentials,** as though the burden of proof lay on it, **we have taken the wrong position. The legitimate reformer endeavours to show that the precept in question conflicts with some precept which its defenders allow to be more fundamental,** or that it does not really embody the judgement of value it professes to embody. **The** direct frontal **attack 'Why**?'—'What good does it do?'—'Who said so?' **is never permissible;** not because it is harsh or offensive but **because no values** at all **can justify themselves on that level.** **If you persist** in *that* kind of trial **you will destroy** all values, and so destroy **the bases of your own criticism** as well as the thing criticized. You must not hold a pistol to the head of the *Tao.* Nor must we postpone obedience to a precept until its credentials have been examined. Only those who are practising the *Tao* will understand it. It is the well-nurtured man, the *cuor gentil,* and he alone, who can recognize Reason when it comes.9 It is Paul, the Pharisee, the man 'perfect as touching the Law' who learns where and how that Law was deficient.10 In order to avoid misunderstanding, I may add that though I myself am a Theist, and indeed a Christian, I am not here attempting any indirect argument for Theism. I am simply arguing that if we are to have values at all **we must accept** the ultimate platitudes of **Practical** **Reason as having absolute validity**: that any attempt, having become sceptical about these, to reintroduce value lower down on some supposedly more 'realistic' basis, is doomed. Whether this position implies a supernatural origin for the *Tao* is a question I am not here concerned with.

Thus, metaethical discussion is not the basis for ethics. Rather, we must accept the axiomatic truth claims of ethics and consequently deriving moral principles.

Within this system, we must view evil solely as a perversion of good.

Lewis TWO[[2]](#footnote-2) explains two reasons.

The metaphysical difficulty is this.The two Powers, the **good and** the **evil, do not explain each other.** **Neither** Ormuzd nor Ahriman **can** claim to **be** the **Ultimate.** More ultimate than eitherof themis theinexplicablefactof their being there together. Neitherof themchose this tete-a-tete. **Each** of them, therefore, **is conditioned**--finds himself willy-nilly in a situation;and either that situation itself, or some unknown force which produced that situation, is the real Ultimate. Dualism has not yet reached the ground of being. **You cannot accept two conditioned and mutually independent beings as the self-grounded, self-comprehending Absolute.** On the level of picture-thinking this difficulty is symbolised by our inability to think of Ormuzd and Ahriman without smuggling in the idea of a common space in which they can be together and thus confessing that we are not yet dealing with the source of the universe but only with two members contained in it. Dualism is a truncated metaphysic. The moral difficulty is that **Dualism gives evil a positive,** substantive**, self-consistent nature, like** that of **good.** If this were true, **if A**hriman **existed** in his own right **no less than O**rmuzd, **what could we mean by calling O**rmuzd **good except that we happened to prefer him.** In what sense can the one party be said to be right and the other wrong? **If evil has the same** kindof **reality as good,** the same autonomy and completeness, **our allegiance to good becomes** the **arbitrarily chosen** loyalty of a partisan. **A sound theory of value** demands something different. It **demands that good** should **be original and evil a** mere **perversion;** that good should be the tree and evil the ivy; that good should be able to see all round evil (as when sane men understand lunacy) while evil cannot retaliate in kind; **that good should be able to exist on its own while evil requires the good on which it is parasitic** in order to continue its parasitic existence.The consequences of neglecting this are serious. It means believing that bad men like badness as such, in the same way in which good men like goodness**.**

This conception of the good is empirically verified. Lewis THREE[[3]](#footnote-3) explains,

The same point can be made in a different way. If Dualism is true, then the badPower must be a being who likes badness for its own sake. But in reality **we have no experience of anyone liking badness just because it is bad. The nearest** we can get to it **is** in **cruelty. But** in real life **people are cruel** for one of two reasons- either because they are sadists, that is, because they have a sexual perversion which makes cruelty a cause of sensual pleasure to them, orelse **for the sake of something they are going to get out of it--money,** or **power, or safety.** But pleasure, money, power, and safety are **all**, as far as they go, **good things.** The **badness consists in pursuing them** by the wrong method, or **in the wrong way, or too much.** I do not mean, of course, that the people who do this are not desperately wicked. I do mean that wickedness, when you examine it, turns out to be the pursuit of some good in the wrong way. **You can be good for the mere sake of goodness: you cannot be bad for the mere sake of badness.** You can do a kind action when you are not feeling kind and when it gives you no pleasure, simply because kindness is right; but no one ever did a cruel action simply because cruelty is wrong-only because cruelty was pleasant or useful to him. In other words badness cannot succeed even in being bad in the same way in which goodness is good. Goodness is, so to speak, itself: badness is only spoiled goodness.And there must be something good first before it can be spoiled.We called sadism a sexual perversion; but you must first have the idea of a normal sexuality before you can talk of its being perverted; and you can see which is the perversion, because **you can explain the perverted from the normal,** and can**not** explain **the normal from the perverted.** It follows that this Bad Power, who is supposed to be on an equal footing with the Good Power, and to love badness in the same way as the Good Power loves goodness, is a mere bogy. **In order to be bad** he must have good things to want and then to pursue in the wrong way: **he must have impulses which were originally good** in order to be able **to pervert** them. **But if he is bad he cannot supply himself either with good things to desire or with good impulses to pervert. He must be getting both from the Good** Power. And if so, then he is not independent. He is part of the Good Power's world: he was made either by the Good Power or by some power above them both.

Thus we evaluate something as unethical when we can identify its excesses by taking some principle of traditional morality and exploding it beyond its proper role. This is what occurs in racist acts or when we claim the right to place utilitarian value over the equal worth of all humans. Lewis[[4]](#footnote-4) FOUR continues,

The Innovator, for example, rates high the claims of posterity. He cannot get any valid claim for posterity out of instinct or (in the modern sense) reason. He is really deriving our duty to posterity from the *Tao;* our duty to do good to all men is an axiom of Practical Reason, and our duty to do good to our descendants is a clear deduction from it. But then, in every form of the *Tao* which has come down to us, side by side with the duty to children and descendants lies the duty to parents and ancestors. By what right do we reject one and accept the other? Again, **the Innovator may place economic value first.** **To get people fed** and clothed **is the** great **end, and** in pursuit of its scruples about **justice** and good faith **may be set aside. The *Tao*** of course **agrees with him about the importance of getting the people fed** and clothed. Unless the Innovator were himself using the *Tao* he could never have learned of such a duty.But side by side with it **in the *Tao* lie those duties of justice** and good faith which he is ready to debunk. What is his warrant? He may be **a** Jingoist, a **Racialist**, an extreme nationalist, who **maintains that the advancement of his own people is the object to which all else ought to yield. But no** kind of factual **observation** and no appeal to instinct **will give him a ground for this** option. Once more, **he is** in fact **deriving it from the *Tao:* a duty to our own kin, because they are our own kin,** is a **part of** traditional **morality. But** side by side with it **in** the *Tao,* and **limiting it, lie the inflexible demands of justice, and the rule that**, in the long run, **all** men **are our brothers.** Whence comes the Innovator's authority to pick and choose? Since I can see no answer to these questions, I draw the following conclusions.

Thus the standard is preventing racist policies.

**I contend that minority youth are uniquely and disproportionately harmed more often in the juvenile justice system.**

Subpoint A: subtle biases in individuals in the system exacerbate racist harms on individual juveniles.

First, Graham and Lowery[[5]](#footnote-5) summarize a study that tested the unconscious racism of decision-makers in the juvenile justice system:

Two studies examined unconscious racial stereotypes of decision makers in the juvenile justice system. **Police officers** (Experiment 1) **and juvenile probation officers** (Experiment 2) **were subliminally exposed to words related to the category Black or to words neutral with respect to race.** In a presumably unrelated task, officers read 2 vignettes about a hypothetical adolescent who allegedly committed either a property crime (shoplifting from a convenience store) or an interpersonal crime (assaulting a peer). The race of the offender was left unstated and the scenarios were ambiguous about the causes of the crime. **Respondents rated the hypothetical offender on** a number of traits (e.g., **hostility and immaturity**) and made judgments about culpability, expected recidivism, and deserved punishment. They also completed a self-report measure of conscious attitudes about race. As hypothesized, **officers in the racial prime condition reported more negative trait ratings, greater culpability and expected recidivism, and they endorsed harsher punishment than officers in the neutral condition.** The effects of the racial primes were not moderated by consciously held attitudes about African Americans. The implications of the findings for racial disparity in the juvenile justice system and for changing unconscious stereotypes were discussed.

They continue:

Using college student research subjects and hypothetical adult stimulus persons, most of the racial priming literature has focused on traits related to hostility and violence as the primary dependent variables. In the present studies, using real decision makers as subjects and adolescent stimulus persons, we documented a particular pattern of priming effects that was more unique to adolescents and thus has implications for the contemporary juvenile court. In both studies, **the trait ratings associated with immaturity were more influenced by racial stereotypes than** were **ratings associated with violence or** bad **character** (see Tables 2 and 3). **Officers who were induced to think about African Americans were especially likely to judge hypothetical juvenile offenders as not vulnerable, impressionable, gullible, and naïve**. Of the attribution-related judgments, perceived culpability was more responsive to racial priming than was expected recidivism in both samples. The relation between immaturity and culpability is a critical one among reform-minded jurists who adhere to the rehabilitative goals of the juvenile court. Compared to adults, **adolescent**s are known to display considerable **immaturity** – for example, in their decision making, risk preferences, susceptibility to peer influence, and orientation to the future (Cauffman & Steinberg, 2000; Scott, 2000). That immaturity **has become the basis for the argument that a rehabilitative juvenile system should be preserved**, and in that system adolescents should be judged as less culpable than adults (see Steinberg & Scott, 2003). In the language of the law, adolescent immaturity is comparable to diminished capacity. Both are mitigating conditions that reduce culpability and deserved punishment. **It does not bode well for African American adolescent offenders if unconscious biases trigger the belief that they are adult-like and therefore as blameworthy as adults who commit similar crimes. African American youth are about three times more likely than white youth to be waived to the adult court** (McCord et al., 2001) and in some cases they have received sentences greatly disproportionate to their crime. A case in point is Lionel Tate, the Florida youth waived to the adult court and sentenced to life in prison without possibility of parole for killing a playmate when he was 12 years old. It took three years for the Tate decision to be overturned and for Lionel to be granted a new trial. We believe that the contemporary and more punitive juvenile court and **the relaxing of standards for waiver to adult court are in part a by-product of unconscious associations between race, (im)maturity, and culpability, as well as the belief that the most violent African American offenders should be treated more like hardened criminals than like redeemable youth.**

Thus, the opportunity to subjectively determine treatment for juveniles, rather than equal treatment across the board, is unfairly detrimental to African American youth.

Further, only reforming the system is insufficient, as the biases are embedded in the system. Tomkins et al[[6]](#footnote-6) empirically verify:

Horwitz and Wasserman define "discriminatory factors" as those generally "impermissible" factors such as race and socioeconomic status. Horwitz and Wasserman state that **"substantive factors" refer generally to the juvenile's personal and social environment, such as the juvenile's situation at home**, in the community, and in school. Discriminatory factors are clearly harmful and inappropriate, but substantive factors contain useful and legitimate information for juvenile justice decisionmaking. Substantive factors are legitimate inputs in juvenile justice decisions, because they can aid in evaluating a juvenile's amenability to be rehabilitated. The influence of substantive factors, such as unemployment, family stability, and school situation, have been documented in studies of amenability to treatment, and **such factors are appropriately taken into account by juvenile justice decisionmakers.** Nevertheless, there is concern that a juvenile court's use of these substantive variables can serve to obfuscate what are, in reality, race-based decisions. More specifically, **discretionary decisionmaking, which necessarily utilizes substantive factors, serves to facilitate disproportionately adverse outcomes for minorities, particularly African Americans.** Several researchers have documented the role of substantive variables in legal decisionmaking. **Horwitz and Wasserman**, for example, **found that juvenile courts are more likely to use substantive rather than formal legal criteria** when making dispositional decisions. Other research investigating the effects of specific substantive criteria have found that home and school situations were significantly related to juvenile dispositions. These factors are not discriminatory in the sense that they are overtly racist, and, in fact, they appear to be reasonable criteria given the juvenile justice system's adherence to the principle of individualized justice. Yet the reliance on these factors, when examined in the context of racially disproportionate outcomes, is instructive. The examination reveals that **the use of legitimate, substantive factors may actually mask the use of illegitimate, discriminatory factors.**

In contrast, juries judge facts rather than the best needs of the individual. Even with biased juries, subtle judge biases are more easily applied differently in every situation. Additionally, voir dire means parties can strike potential jurors off the panel if they are unfamiliar with the law or if they’re likely to make a biased decision, whereas the parties involved have no input into who decides the case solely with a judge.

This bias is likely present in decisions in the juvenile justice because of subtle prejudices like aversive and stereotypical racism. Tomkins TWO continues,

Stereotypes are cognitive frameworks consisting of general knowledge and beliefs about entire groups of people. Stereotypes involve the false assumption that all members of certain groups share common traits or characteristics. 35 Stereotypes are functional and necessary because of their efficiency, allowing members of society to deal with a complex world. Stereotypes help to "categorize individuals into groups as a means of reducing the amount of information with which we must contend, thereby establishing categories of persons whose members are considered to be equivalent in functionally important respects." 37 Thus, stereotypes can be quite helpful to the extent that they reflect actual similarities and differences between groups. Unfortunately, **stereotypes often contain inaccurate generalizations and negative attitudes towards certain groups**. This fact is especially harmful because one of the consequences of stereotyping is biased information processing. **Once a stereotype is activated, it affects the acquisition of information in that the individual tends to focus on information consistent with the stereotype and tends to discount inconsistent information.** Thus, the way in which society initially categorizes people is of vital importance to how society will perceive and interpret subsequent behaviors. Psychological research addressing the effects of categorization and stereotypes demonstrates that **race is one of the most important categorization features. After a person is categorized, stereotyping occurs; based solely on group membership,** that person is assumed to possess certain characteristics consistent with the stereotype Not only will society assume certain attributes, but society also interprets subsequent behavior to provide support for the stereotype. For example, categorization by race can result in different perceptions of a given behavior as aggressive, depending on how the actor is racially classified. Categorization by race is associated with a number of other stereotypes as well. The **research** conducted **by Larive** and her colleagues **indicates** that society possesses substantive **stereotypes for juvenile offenders. The stereotypical juvenile offender was associated with delinquent peers; was brought up in a disorganized, violent, and single-parent family; was unemployed; and was likely to have a history of poor academic functioning and school attendance.** Further, the degree to which an offender was judged to possess these stereotypic characteristics depended upon the crime committed. An individual was judged to be most likely to possess the above characteristics if he or she had been charged with murder. Juveniles accused of rape or assault with a deadly weapon were also believed to possess these characteristics, but were less likely to possess them compared to juveniles accused of murder. Juveniles charged with credit card misuse or bribery were perceived to be the least likely to display these characteristics. Thus, individuals were more likely to endorse the stereotype as the severity of the crime increased. **Race also affected perceptions** of whether a juvenile was likely to display certain substantive characteristics. When compared to the other three racial groups, **African American youths were perceived to be most likely to come from a disorganized family and to display poor school attendance.** As mentioned earlier, Tomkins has shown that several other substantive characteristics are correlated with race in the real world. If these characteristics are more prevalent among African Americans and these same characteristics are seen as prototypical among juvenile offenders, then African American juveniles should be more likely to be adjudicated delinquent. Indeed, Horwitz and Wasserman have documented the greater likelihood of being adjudicated delinquent for minority group members. Horwitz and Wasserman note that members of minority groups in their sample were more likely to manifest community, or substantive, problems and were more likely to be placed on probation because of these problems. Thus, although Horwitz and Wasserman failed to uncover a direct effect of race on disposition, the use of extra-legal/substantive information led to the impositions of harsher dispositions for minority group members. In summary, the **perceived correlation between certain extra-legal**/substantive **factors and minority status may serve to promote the stereotype that all minority juveniles possess negative substantive characteristics.** Once activated, racial stereotypes of crime serve to distort individualized case processing. Consequently, the decisionmaking in juvenile case dispositions may be biased against minorities, even by those who are not prejudiced and who actively try to achieve nondiscriminatory justice. There is substantial evidence that racial stereotypes of criminality exist. **Psychological research has demonstrated that such stereotypes exist, and, certainly, the media has promoted the racial/criminal stereotypes.** Furthermore, the influence of race in adult culpability assignment has demonstrated biased effects. Several studies report the impact that racial stereotypes have on society's expectations of criminal activity, and these studies show increased culpability assignment when racial stereotypes of criminality are activated. **Moreover, race has been linked to increased culpability assignment for African Americans, "Hispanics," and Native Americans as compared to whites.** Once activated, racial stereotypes of criminality would likely have an impact at each stage of progression through the juvenile justice system. Indeed, there is experimental evidence available suggesting that this process may be occurring. For example, Larive and her colleagues found that, although race did not affect disposition severity, race did significantly correlate with several substantive characteristics which, in turn, influenced disposition.

Subpoint B: Certain unique characteristics of the juvenile system lead to disproportionate negative impacts on minorities.

Because of the importance of family and community relations in the more informal juvenile system, less affluent minorities are disadvantaged. Bishop and Frazier[[7]](#footnote-7) write,

This latter group of **[juvenile justice system decision-maker] respondents suggested that racial disparities** in delinquency case processing **are in part a result of agency policies and practices that focus on family support and family cooperation as considerations for diversion,** for **detention, and** for final **disposition.** They noted that, in some instances, these considerations are incorporated into formalized agency decision criteria. For example, DHRS **policy renders youths referred for delinquent acts ineligible for diversion programs if their parents or guardians** (a) **cannot be contacted,** (b) are contacted but **are unable to be present for an intake interview, or** (c) **exhibit attitudes and styles of behavior that are perceived as uncooperative** to intake staff. It is important to note that availability of a telephone and access both to transportation to DHRS offices and child care for young children who must remain at home are all taken for granted in this diversion policy. DHRS intake **supervisors reported that minority parents often are single working mothers** or single mothers on welfare with other young children at home. If employed, they are **often employed in low-paying, low-status occupations; unlike those in managerial and professional positions, these parents often lack the flexibility to take time from work to be interviewed.** In addition, many may be embarrassed to make such requests of their employers. Those who are unemployed and on welfare frequently lack access to child care for young children remaining at home. **Many must depend on public transportation which may not operate near their homes or DHRS offices. Some do not have telephones** and this makes it more difficult for DHRS officials to contact them. Intake officials also indicated that minority parents tend more often than white parents to be distrustful of the juvenile justice system. Intake staff tend to see these families as less cooperative with DHRS. Similar references to family support and cooperation were cited by prosecutors as key considerations in detention decisions. Generally, these considerations have a negative and differential impact on nonwhite delinquents. **Typical is the view illustrated in the following comment** by a delinquency intake supervisor: Our manual told us to interview the child and the parent prior to making a recommendation to the state's attorney. **We are less able to reach poor and minority clients.** They are less responsive to attempts to reach them. **They don't show. They don't have transportation. Then they are more likely to be recommended for formal processing.** Without access to a client's family, **the less severe options are closed.** Once it gets to court, **the case is likely to be adjudicated** because it got there. It's a self-fulfilling prophecy.

Access to high-end facilities also disproportionately harms low-income juveniles. Bishop and Frazier TWO continue,

**Many respondents** also **reported that** juvenile justice **decisions** in delinquency cases **are affected by differentials in access to retained counsel and private treatment resources,** differentials that impact negatively on low-income-especially minority-clients. Especially in later stages of delinquency processing, respondents observed that **the system emphasizes treatments** (e.g., psychological counseling, drug treatment) that are **often best obtained through private agencies. Youths from affluent families may take advantage** of these treatment options **and avoid formal processing. Minority youths who are less affluent can only obtain comparable services by being adjudicated delinquent and then committed to residential facilities.** As **one** of the **judge**s in our sample **observed:** Minorities and low income kids get more [juvenile justice system] resources. **If parents can afford [an expensive private treatment facility], the child gets probation. If not, he gets committed.** Income is significant in that a lot of early interventions are directed to middle income groups. If a child needs constructive activity, a middle class family can afford it. Maybe there is institutional bias.

Subpoint C: Independent studies verify that the juvenile system uniquely adversely affects minority youth.

Madeline Wordes et al[[8]](#footnote-8) explain the results of a cross-district study on juvenile detention exclusively for felonies:

Across all analysis, **youth who were African American or Latino were consistently more likely to be placed in secure detention.** This was observed **in the detention practices of both the police and the courts.** Some prioriresearch has suggested that the reasons for differential treatment were not based on race, but could be explained by offense seriousness. Yet these studies typically measured offense seriousness only in terms of broad offense categories. It is not surprising to discover that **offense seriousness** is of principal importance in this type of analysis, given the fact that few of those youth charged with misdemeanors are detained. In the present study, which included only felony offenses, seriousness **was indicated by offense behavior** including victim injury and weapon possession. Further, **additional offense characteristics, such as having co-offenders, multiple charged, and being charged with a drug offense, were included. When these more specific indicators of offense seriousness were considered, race remained principally important in the detention decision.** Prior studies have also suggested that social factors may explain the relationship between race and secure detention. In the present study, youth from families with lower socioeconomic status or youth having their mothers as a sole household provider were more likely to be African American. **It has been suggested that the relationship between race and detention can be explained by social characteristics that disadvantage youth of color.** Furthermore, some suggest that youth of color are more likely to be detained because youth with the aforementioned family characteristics are in greater need of juvenile justice intervention. The findings of the present study, however, suggest that **although social factors (i.e., low socioeconomic status**, having personal problems) **are** indeed **important in the detention decision, race continues to have a significant and independent effect on detention.** This is not to suggest that these indirect effects are not present or unimportant in the decision to detain; however, they do not fully explain the relationship between race and detention as others have suggested.

Prefer Wordes’ study because of the methodological limitation of past studies that produced less robust results. Wordes continues,

**Methodological limitations** in these studies **may have contributed to** these **divergent findings.** Although many studies have posited the importance of **offense seriousness**, this variable **often consists of a dichotomous designation of only felony or misdemeanor** charges. There is obviously considerable variation in seriousness within these large offense categories. In some studies, offense seriousness is measured by an ordinal variable reflecting more specific offense categories (e.g., property felony). **Such measurement does not consider** actual offense behavior (**degree of harm or damage done by the offender**). Research findings may also have been influenced by the selection of a study sample, most studies have included various types of offenses in their samples. When studies of detention include a large proportion of misdemeanor cases that face little risk of detention, it is not surprising to find that felony cases are more likely to be detained. **Furthermore, a sample that is appropriate to the decision point should be selected. For example, in analyzing the decision to detain at the preliminary hearing, only cases that reach this stage of processing should be included. A third issue** concerning the study sample **is** the **loss of cases** that often takes place **due to lack of data.** Social data are not routinely available for all court cases due to the nature of court processing. These data are often recorded (in an official predispositional report) only after a decision has been made to threat the case formally. **In previous studies, as many as two thirds of the cases were lost due to missing data** (e.g., Frazier and Cochran 1986). **Such loss of data can result in sample selection biases.** Another methodological limitation in prior research is that **most studies of detention have only included data from the juvenile court. The police usually make the initial decision to detain. Given that this entry into the system may be predictive of future detention, examination of police detention practices is warranted.** In addition, within the court process, juveniles can be detained at two points by different decision makers. Although not examined previously, each of these decisions may be influenced by different factors and thus deserves individual attention.

Finally, prefer the empirical analysis in the AC because; first, it verifies the accuracy of causal analytics, whose impact is only verifiable in the context of the quantitative impact on empirical results of the system. Second, the nature of the criminal justice system makes the probability of sweeping generalizations in analytic claims irrelevant, as the nature of decisions, decisionmakers involved, etc. change in every case. Only empirical analysis accounts for such vast alternative causalities.

Finally, African American youth were constructed as the non-juvenile, thus punishing them further by relegating them to the status of the other not worthy of treatment. Kenneth Nunn[[9]](#footnote-9) explains,

**When adolescence began** for white children in 1830, **African American children remained slaves.** They, like African American adults, were property, and a much lower class of property than that to which white children were relegated prior ot 1830. **“[T]he idealization of white children that occurred in the 1830s did not affect [B]lack children at all**.” Black children who were living in slavery had no legal rights. Their connection to their family was not even respected. They could be separated from their parents and sold away whenever the slaveholder so desired. **African American children's only socially recognized function was to work at hard labor for the economic benefit of whites. Even after the end of slavery, the social distinction between white and Black children remained.** In fact, within a few years of the Civil War, Southern legislatures enacted “apprenticeship” statues that allowed former slaveholders to force African American children back into virtual slavery. Although most apprenticeship statues were repealed by the 1870s, African American children continued to work on farms and in factories in much greater numbers and at much greater risks than white children. The different perceptions and treatment of African American children thus has deep historical roots in the United States. Indeed, the racial disparate in the vision of childhood is so glaringly apparent that it changes the nature of the research hypothesis of this symposium. **The question for children of African descent in the United States is not “why the end of adolescence,” but rather “why never the beginning?**” In this Article, I will address this revised research question by analyzing the way African American children are perceived in American culture at large. I argue that African American children are not afforded the same treatment as European American children, and consequently never enjoyed the benefits of adolescence because they are viewed differently by white society. African American children are viewed as children of “the other,” and as “others,” they may be treated in ways that would be unthinkable if white children were involved.

Nunn furthers,

The transformation of the juvenile courts does not signal the end of innocence. Rather it signals the continuation of historic perceptions [\*713] and policies toward African American youth. **African American youth** never enjoyed adolescence in its full sense because they **were never perceived as the social equals of white children. Consequently, African Americans in the juvenile justice system have always experienced discriminatory treatment.** The changes in the juvenile court system are not changes in the way that adolescence is perceived, but changes in the perception of what class of children are serviced by the juvenile court. With the understanding that the predominate clientele of juvenile courts, at least in large urban areas, are African American males, the idea of a juvenile court focused on rehabilitation and the protection of the child became an unnecessary luxury. **Driven by the image of African American "superpredators," the juvenile justice system was transformed into a harsh and punitive system of social control.** For African American youth, however, this transformation only represented an intensification of the oppression that they have always endured in the juvenile justice system. The distinctions between African American and European American children in the juvenile justice system and the subsequent change of the juvenile justice system to a retributive model can be explained by the concept of otherness, as it has been articulated by a number of intellectual traditions. **The transformation of the juvenile court needed and commanded its own other, the "superpredator."** The "superpredator" was **constructed as the ultimate other, as possessing all the characteristics that innocent young children do not. The "superpredator" was "brutally remorseless," incorrigible, and savage. And because the "superpredator" was the antithesis of childhood**, **it was slyly constructed as young, Black, and male.** This racially characterized "superpredator" was in fact a monster, and only the most serious and determined efforts could address the threat that the "superpredator" posed. The transformation of the juvenile court would not have occurred were it not viewed in this way as a necessary instrument to address the threat posed by the other. If the public perceived the juvenile justice system as means of addressing the needs of white children, "our" children in the public voice, then the juvenile court would be entirely different because at some level there is an understanding that "our" children will someday grow up and become "us." But **the children of the other will never become "us," they will remain "them." As a result, they will receive discriminatory treatment no matter what theoretical justification underlies the policies of the juvenile justice system.** One day, when the current crisis is over, when the public's lust for punishment has been satiated, and when the public realizes that far [\*714] too many white children have been swept along by punitive policies intended for Blacks, the rehabilitative focus of the juvenile justice system will return. When it does, African American children may benefit to some degree. But, by and large, most African American children will not notice the difference. They will still be arrested, detained, and incarcerated at higher rates. **As children of the other, they will be feared and controlled, rather than valued and loved.** African kids are the bearers of a dual otherness. They are others both due to their Africanness and their status as dependent, wild, and uncontrollable youth. **As children of the other, they gain none of the positive benefits of childhood.** They are viewed as threats, burdens, and competitors to deserving children. As children, they gain no protection from the ravages of racist oppression. **They still carry the stigma associated with Blackness in American culture.**

FRONTLINES

Males et al:

Several recent studies suggest that **minority youth are overrepresented at every stage of the justice system**. For example, **in a 3-year study of youth in Florida‘s juvenile justice system**, researchers found: **Minority juveniles** processed for delinquency offenses in 1987 **received more severe** (i.e., more formal and/or more restrictive) **dispositions than their white counterparts** at several stages of juvenile processing. Specifically, we found that **when juvenile offenders were alike in terms of age, gender, seriousness of the offense** which promoted the current referral, **and** seriousness of their **prior records, the probability of receiving the harshest disposition available at each of several processing stages was higher for minority youth than for white youth.**2 **These disparities were found at every stage of the juvenile justice system. In addition, follow-up discussions with juvenile justice “decision-makers” revealed that most believed that race was a factor in decision making.**3 Moreover, a study of the juvenile justice system in California found that minority youth, particularly African American and Hispanic youth, consistently received more severe dispositions than white youth, and are more likely to be committed to state institutions than white youth for the same offenses. **These findings were consistent with research in other states.** For example: According to a study by Hamparian and Lieber, California had the highest number of juveniles - 19,567 - in custody in public facilities. Minorities comprised 53.4% of the youth population statewide, but they accounted for 59% of all juveniles arrested, almost 64% of the juveniles held in secure detention and 70% of the juveniles placed in secure corrections.4 In Ohio, there were 3,551 juveniles held in custody in public facilities. Minorities comprised 14.3% of the youth population statewide, but they accounted for 30% of the juveniles arrested and 43% of the juveniles placed in secure corrections.5 **In Texas,** there were 3, 505 juveniles held in custody in public facilities. **Minorities comprised 50% of the youth population statewide, but** they accounted for **65% of the juveniles held in secure detention, 80% of the juveniles placed in secure corrections, and 100% of the juveniles held in adult jails.**

Clearer controls, but slightly worse (and older) results for formal proceedings offense (Bishop and Frazier)

Because logistic regression coefficients do not have a clear, intuitive interpretation, it is helpful to discuss the effect of race on the probability that intake will recommend a case for formal processing. To do this, we illustrate with the case of a typical youth referral: **we calculate the predicted probability of a recommendation for formal processing for white and nonwhite youths with values of other variables in the model set at their respective means.** In these data, the typical youth referred to delinquency intake is a fifteen year old male referred for a misdemeanor against person (e.g., simple battery), with a prior record score consistent with having one prior referral for a misdemeanor against property (e.g., criminal mischief). **The probability that a white youth with these characteristics will be recommended for formal processing is 47%. For a similar nonwhite youth, the probability of** a **recommendation** for formal processing **is 54%**-a substantial difference of seven percentage points.

1. C.S. Lewis “the Abolition of Man” 1943. <http://www.columbia.edu/cu/augustine/arch/lewis/abolition2.htm> [↑](#footnote-ref-1)
2. God in the dock. 1973. <http://cslewis.wikispaces.com/Dualism> [↑](#footnote-ref-2)
3. Mere Christianity. 1943. <http://lib.ru/LEWISCL/mere_engl.txt>. . [↑](#footnote-ref-3)
4. C.S. Lewis “the Abolition of Man” 1943. <http://www.columbia.edu/cu/augustine/arch/lewis/abolition2.htm> [↑](#footnote-ref-4)
5. “Priming Unconscious Racial Stereotypes About Adolescent Offenders.” July 2004. Research Paper No. 1857. Stanford Graduate School of Business. [↑](#footnote-ref-5)
6. “SUBTLE DISCRIMINATION IN JUVENILE JUSTICE DECISIONMAKING: SOCIAL SCIENTIFIC PERSPECTIVES AND EXPLANATIONS.” Alan J. Tomkins, Andrew J. Slain, Marianne N. Hallinan, Cynthia E. Willis. *Creighton Law Review*. June, 1996. Lexis. [↑](#footnote-ref-6)
7. “Race Effects in Juvenile Justice Decision-making. Findings of a Statewide Analysis.” Donna M. Bishop and Charles E. Frazier. *The Journal of Criminal Law and Criminology* 86.2. Winter 1996. JSTOR. [↑](#footnote-ref-7)
8. “Locking Up Youth: The Impact of Race on Detention Decisions.” MADELINE WORDES, TIMOTHY S. BYNUM and CHARLES J. CORLEY. Journal of Research in Crime and Delinquency 1994. <http://jrc.sagepub.com/content/31/2/149>. [↑](#footnote-ref-8)
9. “THE END OF ADOLESCENCE: THE CHILD AS OTHER: RACE AND DIFFERENTIAL TREATMENT IN THE JUVENILE JUSTICE SYSTEM.” DePaul Law Review. Spring, 2002. 51 DePaul L. Rev. 679. Lexis. [↑](#footnote-ref-9)